

PRACTICING RESPECT THE FIRST KEY TO SUCCESSFUL WORK WITH AND ON BEHALF OF CLIENTS

Foreword

This paper is written to honor Pennsylvania clients who helped me to see legal services and its work through client eyes and who taught me much about “practicing respect.” This term rather than “being respectful” is deliberately chosen to indicate the importance of actions and the “doingness” that demonstrates our respect or lack thereof for our clients. As you read the paper, most of the indicators of respect may seem obvious to you and indeed they are. However, knowing what we should do is one thing. Carrying that out in practice is quite another. Walking our talk and our beliefs is the challenge.

Introduction--Defining Respect

What do we mean by the term "respect"? Webster's dictionary defines respect as: "an act of noticing with attention: the giving of particular attention to: consideration." For the purposes of this paper, I would add “an act of treating with dignity.”

Deep in our being, each of us has a great need to be treated by others with respect. It is a basic and fundamental human need. Our psychological need for respect is as great as our biological need for food. This need is present whether we are four or forty, eight or eighty, whether we sweep streets or run companies to earn our living. It is present whether we are heads of countries, or are homeless, living on the streets. Our need for respect is equally strong whether we are men or women, whether we are adults, teenagers, or children.

Being treated with respect by those around us supports our feeling of well being and helps to validate and reinforce our concept of our own self-worth. From a client perspective in a service delivery context, when this need is not met by those who are suppose to be their advocates, it undermines their self-confidence as well as their confidence in their advocate and prevents

developing a good working relationship. Indeed mutual respect is fundamental to productive working relationships.

Frequently in our society, we associate “respect” with “esteem” rather than consideration. We divide the world into those people who are worthy of respect and those who are not. We often talk about “respect” as something that must be earned rather than the treatment to which each of us is entitled from other human beings. Esteem may indeed have to be earned, but clients’ right to considerate treatment by their advocates is a given, built into our standards of practice. But those standards are general and are most often associated with the I-know-it-when-I-see-it test rather than concrete indicators. This paper offers one advocate’s view of what “respect” looks like when seen in practice. These indicators are arranged in the order a client would encounter us rather than in order of importance.

Indicators of Respect

- **The appearance of our offices**—When we were developing performance standards for the Pennsylvania programs we asked the Pennsylvania Clients Counsel for their ideas and concerns. Their strongest concern, the non-negotiable standard that they insisted must be included was for legal services offices to resemble those of average private practitioners within the same geographical area. The most important part of their standard included clean, comfortable waiting rooms and clean bathrooms.

They wanted their lawyers’ offices to look like other attorney offices in the community rather than the welfare office or those of other poverty programs. For them dirty, unkempt, offices with paint peeling off the walls translated into a lack of respect for clients and for clients a lack of confidence in their attorneys. How many legal services advocates have had their feelings hurt when hearing clients say, “I want a real lawyer,” and were surprised and couldn’t

understand such sentiments? When we look at the appearance of our offices through their eyes, we may have the answer.

Since my experience in developing the Pennsylvania standards, I always review programs' facilities when conducting evaluations and program visits. I do the facilities review whether the visit is under the auspices of the Legal Services Corporation, an IOLTA program, or other funder. Sometimes this effort has been dismissed or snickered at by other team members as not important or "as a girl thing." Thanks to Shirley Beer and Ernestine Watlington, and the Pennsylvania clients they represent, I continue to stand my ground on this issue.

When facilities fail to meet this standard and it is brought to the attention of program management, the usual response is, "We can't improve our facilities because we don't have the funds. We would have to cut services if we moved to better offices." Frequently all it would take is a good cleaning and a fresh coat of paint. Because of the impact to client dignity, I would submit office space that meets this standard should be a priority.

- **Staff dress**—How our staff dresses and their individual appearance has been a difficult issue for us to address as managers and as colleagues. Since every court, including administrative courts, has a dress standard, and which we violate at our professional peril, there is adherence to those standards when we go to court. Indeed, we even joke when we see colleagues dressed in suits and in coats and ties and know that they are going to court. We all have, at least as I describe mine, a "sue-the-jerks" suit. Our every day dress and appearance that clients see is much more casual. Just how casual is the issue.

This is one of those "mokeeta" issues, one of those elephants in the room about which no one speaks. The tension and the balance is our discomfort in going beyond asking employees to be self-regulating in determining appropriate dress. To say something about someone's

appearance feels like we are invading their zone of privacy. Also I recognize that business dress has become much more casual.

I would submit that our standard should be the same as that for facilities—local custom. Private attorneys generally dress much more casually in the mountain west than in the east with boots being accepted footwear even in court. Even in the West attorneys dress more formally in cities than they do in the rural areas. Our basic approach should be to look generally like other law office employees in our individual communities. When we do this, what our clients see is that their advocates look like the private practitioners in their communities which they translate into confidence in the representation they will receive from us. I'm willing to bet the ranch that no advocate appropriately dressed has had a client say, "I want a real lawyer." Just as our dress translates into respect for the courts in which we appear, our dress in our offices when we see clients should demonstrate that same respect for them.

- **Form of address**—The form of address we use for each other is a very powerful indicator of our respect or lack of it. We say "Your Honor" to judges indeed to honor his/her role and reflect the fundamental respect for courts required to continue to be a nation under law. Those of us of a certain age remember, with a sigh, the first time we were called "Ma'am" instead of the usual "Miss" signifying our maturing.

Human relation trainers frequently expound the use of the Platinum Rule rather the Golden Rule. The Platinum Rule admonishes us to treat others as they wish to be treated rather than treating them, as we would like to be treated as the Golden rule advises. Nowhere is the application of the Platinum Rule more appropriate than in forms of address we use in our interactions with each other.

Each of us has a name that is a significant identifier for us as to who we are. There are Roberts who are “Robert” and there are Roberts who are “Bob.” And for a Carolyn who is **NOT** a “Carol,” being called by my father’s name instead of my own is like fingernails on the blackboard.

We offend more frequently than we might think by being too familiar, particularly when we first meet as strangers. Other languages, such as French make distinctions between the familiar “you” that is used among family and friends and the formal “you” that is used with the rest of the world. This distinction is made by different words for “you.” One uses the formal word for “you” until invited to “*tu-toyer*.” This invitation represents an acknowledged change in a relationship from acquaintance to “friend.”

Whether it is appropriate to use first names or nicknames varies from culture to culture, from situation to situation. For our older clients, our African-American and Native American clients, I know by using their first names rather than the formal Mr. Jones, Ms. Jones, or Mrs. Jones, I have undoubtedly, although unintentionally, given offense. The greater the age differential between us and them, the more likely the person is to be offended and to feel disrespected by such familiarity.

I became acutely aware of the importance of address in presiding at settlement conferences. Part of my responsibility is to create the best atmosphere possible to encourage the parties to resolve their differences. Since the proceedings are informal, I want to create a relaxed environment and at the same time to demonstrate respect for both counsel and clients. I begin each conference by introducing myself and requesting the participants to use my first name. I then ask each participant to introduce him or herself and tell us how they would like to be addressed. This simple approach ensures I won’t add to the conflict by calling a Robert, “Bob”

and vice-versa nor will the conference participants. Sometimes parties ask to be addressed more formally, which is honored.

Likewise we can so easily show respect to our clients when they first come to our office or call us on the phone, by either addressing them with the formal Mr., Miss, Ms., or Mrs. or by asking them how they prefer to be addressed. At the very least we should ask their permission before using their first name. Addressing our clients as they choose is for their dignity and comfort, not ours, even though we might prefer to be more informal with them.

- **Listening empathetically**—Our relationship to our clients really begins when they tell us their stories. It is a challenge to listen empathetically to the same story we have heard for the thousandth time. After the first few minutes, we know where it is going and if we are not mindful, either zone out, rush the client, or make an excuse to cut them off. Balancing this client's need to tell their story against the next client's need for our attention is not an easy task. As advocates we sometimes get impatient with what we view as social work as opposed to advocacy. Some programs have found a solution by using well-trained volunteers who can take the time to truly listen to client stories, others by using social work interns.

Having an empathetic ear to hear their stories of unjust treatment, whether by a state agency, a spouse or significant other, an employer, or a landlord, is a critical element in their search for justice. I remember vividly a Nevada Legal Services client who came to us with an employment discrimination complaint. Unfortunately, the statute of limitations had tolled. Since there was nothing we could do for her, we declined to accept her case.

She appealed the decision first to me as director and then to the client grievance committee of the board when I upheld the staff's decision. The client grievance committee along with the managing attorney and I met with her. The committee listened intently to her story and

expressed agreement with her that she had every right to feel she had been badly mistreated. The attorney committee member then patiently explained once again the statute of limitations and why it barred her way to a fair outcome. Each committee member expressed agreement that she had been treated badly, that it was difficult for us all when life was unfair and that it was difficult to accept when there was nothing we could do to change that unfairness. At the end of the grievance committee hearing, she thanked everyone profusely even though the committee ratified the staff's decision. She couldn't believe that private attorneys and client board members would take the time to listen to her sad story.

We were not able to give her a different outcome, but what we were able to give her was her self-respect, confirmation that she wasn't crazy, and a validation of her feelings of anger, hurt, and resentment over the way she was treated. She even sent us a thank you letter that confirmed the value to her of what we did give her--respect.

- **Taking client complaints seriously**—All too frequently client complaints, about either how our staffs treated them or about the quality of the service they were provided, do not receive the attention they deserve.¹ As managers we want to support our staff. We want to believe the best about them. We are always pressed for time and so tend to put dealing with client complaints way down on our to-do list or deal with them in a perfunctory way.

Since we receive so few client complaints, those we do receive deserve our serious attention. Sometimes we may not realize how we come across to clients and when our behavior is brought to our attention, we can learn and change for the better.

¹ Every program has at least one or two challenging clients who have constant complaints and are very difficult to deal with, usually due to a mental disability. This section does not address that situation which would need a separate discussion paper to cover the topic.

Complaints can be an early warning—the canary in the mine—that certain staff are burning out, are overwhelmed by their work, or aren’t up to their job. Whatever the cause, addressing complaints promptly is a demonstration of respect for our clients.

During the evaluation of one program, a private attorney and two shelter directors reported that a male attorney berated his clients who were victims of domestic violence for being weak and letting themselves be abused. The shelter directors had stopped referring women to the program because they would not subject them to such treatment. They reported they had complained to the director who appeared to ignore their complaints since the behavior had continued.

When we brought the complaints to the attorney’s attention, he was genuinely shocked that what he viewed as support and assistance came across as further abuse. Since no one had told him directly about the behavior, there was no opportunity for him to correct it or for program management to objectively determine that he should not be dealing with abused women, or indeed working for a legal service program at all.

- **Keeping clients informed about and involved in their cases**—Staying in contact with clients regarding their cases is a major indicator of respect. The most frequent complaint to bar disciplinary committees is attorneys not returning phone calls. From advocates’ viewpoint, balancing the needs of many clients is a major challenge. From clients’ perspectives, not knowing what is going on in their cases creates additional stress. When clients don’t hear from their advocates or cannot reach them after many tries, they conclude that the advocates think they and their cases are not important enough to even bother responding to a phone call.

Having systems in place to ensure timely communication can go a long way toward meeting the needs of both clients and advocates. Brief written communications informing clients

of their case status and laying out what will happen next can frequently be used to allay fears and reduce the phone calls.

When I serve as a program evaluator, I become quite concerned when programs tell me that they don't send closing letters to clients. Informing clients that their case has been closed should be a fundamental standard that is strongly adhered to by advocates and enforced by program management. Indeed there may be situations in which this failure can give rise to malpractice claims and liability.

Having read a large number of narrative proposals over the last few years, I am struck by how few programs provide information that describes an adequate system for ensuring that clients are kept informed about their case and are involved in decisions about it. I haven't determined whether the inadequate answers reflect inadequate writing or indeed represent inattention to this important aspect of client service. I certainly hope it is the former.

One response asked "Is this a trick question?" The Code of Professional Responsibility requires that clients be kept informed and participate in their case." Indeed it does. But the question is how is this requirement implemented in practice? Does the program's internal legal work management system have measurable markers to insure compliance? Are these included in staff training? Are they addressed in case file reviews and in annual evaluations? Do managers review both the program's "client withdrew rate" and the causes for individual clients' withdrawal to determine whether it is linked to the program's actions or lack of contact and action in a specific case?

- **Asking clients to evaluate the services they have been provided**—Many programs include some kind of evaluation form in their closing letters to clients or at least to a

sample of clients. Some abandon the practice after receiving almost unanimous positive responses or after having very few forms returned.

Receiving strong positive feedback from clients provides a boost to staff morale. It says to them that their hard work is appreciated by their clients which encourages them to continue to do good work. The few complaints, as discussed above, may be a warning to look more closely at program procedures or at an individual advocate's performance. The response rate can often be improved by including a self-addressed, stamped envelope.

Requesting clients to provide feedback about their experience with our programs goes beyond evaluative objectives. It says to clients that we care about the quality of our services to them, that their opinion about those services matters-- that they are important. In other words, those forms demonstrate in a tangible way our respect for them.

Summary

This paper has attempted to offer some practical ideas to demonstrate respect. This subject deserves a much lengthier treatment than this paper allows. The hope is that it will stimulate further discussion and debate within our equal justice community and that readers will add their ideas to those contained in it such as intake procedures and service hours that demonstrate respect. Although overall we generally treat our clients with respect, we can do better. Indeed a hallmark of those programs we would all consider excellent is the constant evaluation of their performance and always keeping in the forefront the question "How can we improve?" I invite us to ask that question about our own attitudes and behaviors toward clients and those of our programs with the goal being that, at a minimum, each person who comes to us for help, goes away knowing that they are worthy of respect because they have been treated with

respect, and that someone cares about their feelings of injustice. This is the cornerstone of client centered legal services.